

#453
1 BILL NO. Z-91-01-29

2 ZONING MAP ORDINANCE NO. Z-Lash

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. 0-6.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
6 FORT WAYNE, INDIANA:

7
8 SECTION 1. That the area described as follows is
9 hereby designated a B-3-B (General Business) District under
10 the terms of Chapter 33 of the Code of the City of Fort
11 Wayne, Indiana of 1974:

12
13 Lots 4, 5 & 9 in White's Third Addition as recorded in
14 the Plat thereof in the Office of the Recorder of Allen
15 County, Indiana.

16
17 and the symbols of the City of Fort Wayne Zoning Map No. 0-
18 6, as established by Section 11 of Chapter 33 of the Code of
19 the City of Fort Wayne, Indiana are hereby changed
20 accordingly.

21
22 SECTION 2. That this Ordinance shall be in full force
23 and effect from and after its passage and approval by the
24 Mayor.

25
26 [Signature]
Councilmember

27 APPROVED AS TO FORM AND LEGALITY:

28 J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY
29
30
31
32

Read the first time in full and on motion by Henry, seconded by Bradbury, and duly adopted, read the second time by title and referred to the Committee on Legislation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 1-22-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by Bradbury, and duly adopted, placed on its passage. ~~PASSED~~ LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	_____	<u>9</u>	_____	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____
<u>EDMONDS</u>	_____	<u>✓</u>	_____	_____
<u>GIAQUINTA</u>	_____	<u>✓</u>	_____	_____
<u>HENRY</u>	_____	<u>✓</u>	_____	_____
<u>LONG</u>	_____	<u>✓</u>	_____	_____
<u>REDD</u>	_____	<u>✓</u>	_____	_____
<u>SCHMIDT</u>	_____	<u>✓</u>	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____

DATED: 2-26-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____ on the _____ day of _____, 19____

ATTEST:

(SEAL)

Sandra E. Kennedy, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

Sandra E. Kennedy, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

RECEIPT

No 10806

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND., 11/27 1990

RECEIVED FROM Pennine Auto Credit \$ 100.00

THE SUM OF One Hundred & 00/100 DOLLARS

ON ACCOUNT OF Regene fresh 42 to 153B

PAID BY: CASH ☒ CHECK ☐ M.O. ☐ 4143/

Gray
AUTHORIZED SIGNATURE

RECEIPT NO. _____

DATE FILED _____

INTENDED USE BUSINESS

THIS IS TO BE FILED IN DUPLICATE

I/We James P. D'Angelo
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-2 District to a/an B3B District the property described as follows:

Lots 4, 5, & 9 in White's Third Addition as recorded in the Plat thereof
in the Office of the Recorder of Allen County Indiana.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 1711, 1713, 1717 E. Washington blvd. and
1712 E. Wayne Street, Fort Wayne, IN

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

James P. D'Angelo

918 S. Anthony, Ft. Wayne

James P. D'Angelo

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

Leonard J. Spallone
(Name)

807 Clayburn Ct. Ft. Wayne, IN 46819
(Address & Zip Code)

(219) 747-9262
(Telephone Number)

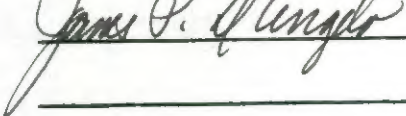
COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Lots 4, 5, & 9 in White's Third Addition as recorded in the Plat thereof
in the Office of the Recorder of Allen County, Indiana.

Owners of Property

James P. D'Angelo	918 S. Anthony	
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:
FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING
FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-91-01-39; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 28, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;


(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 4, 1991.

Certified and signed this
5th day of February 1991.



Robert Hutner
Secretary

BILL NO. Z-91-01-39

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, BRADBURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of
Fort Wayne Zoning Map No. 0-6

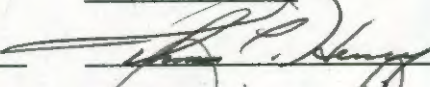
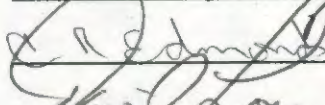
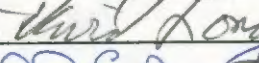

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

DATED: 2-26-91.

Sandra E. Kennedy
City Clerk

#453

ORIGINAL

ORIGINAL

DIGEST SHEET

ZONING MAP

~~Alley~~ Vacation Ordinance

TITLE OF ORDINANCE

DEPARTMENT REQUESTING ORDINANCE

Land Use Management - C&ED

SYNOPSIS OF ORDINANCE

1711, 1713, 1717 E Washington Bl and 1712 E Wayne St

12-91-01-39

EFFECT OF PASSAGE

Property is presently zoned R-2 - Two-Family Residential.

Property will become B-3-B - General Business District.

EFFECT OF NON-PASSAGE

Property will remain R-2 - Two Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.))

Division of Community Development & Planning

BRIEF TITLE Zoning Ordinance Amendment APPROVAL DEADLINE REASON
From R-2 to B-3-B

DETAILS

Specific Location and/or Address

1711, 1713 & 1717 E Washington Bl &
1712 E Wayne St

Reason for Project

Used Auto Sales & Repair

Discussion (Including relationship to other Council actions)

28 January 1991 - Public Hearing

Leonard Spallone appeared before the Commission representing the owner of the adjacent lot - Lots 1, 2, 3, 10, 11 & 12, who was the petitioner for the rezoning. Mr. Spallone stated that the lots adjacent to the proposed rezoning were presently being used for a used car lot. He stated that it was the intention of the owner to expand that use if it was possible to rezone these three lots. He stated that they also have future plans to construct a facility in which to do auto repair and body work on cars. He stated that at the present Lot #9 is vacant and there is a dwelling on Lot #5 and two single family dwellings on Lot #4. He stated that these structures would be removed if the properties were rezoned.

Mark Gensic stated that in 1989 there was a Use Variance granted by the Board of Zoning Appeals for Lot #9 contingent upon certain conditions being met. He questioned if those conditions have been met.

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) James P. D'Angelo City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against -approval would be contrary the Neighborhood Plan for this area
Board or Commission Recommendation	By <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to condition (See Details column for condition)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

Mr. Spallone stated that within the last three months the owner of those properties, who is also the petitioner in this case, has a new manager. He stated that they will meet the requirements of the Board of Zoning Appeals under the new management.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

4 February 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the six (6) members present, five (5) voted for the motion, one (1) did not vote.

Motion carried.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 27 November 1990

Projected Completion or Occupancy

Date 5 February 1991

Fact Sheet Prepared by
Patricia Biancaniello

Date 5 February 1991

Reviewed by

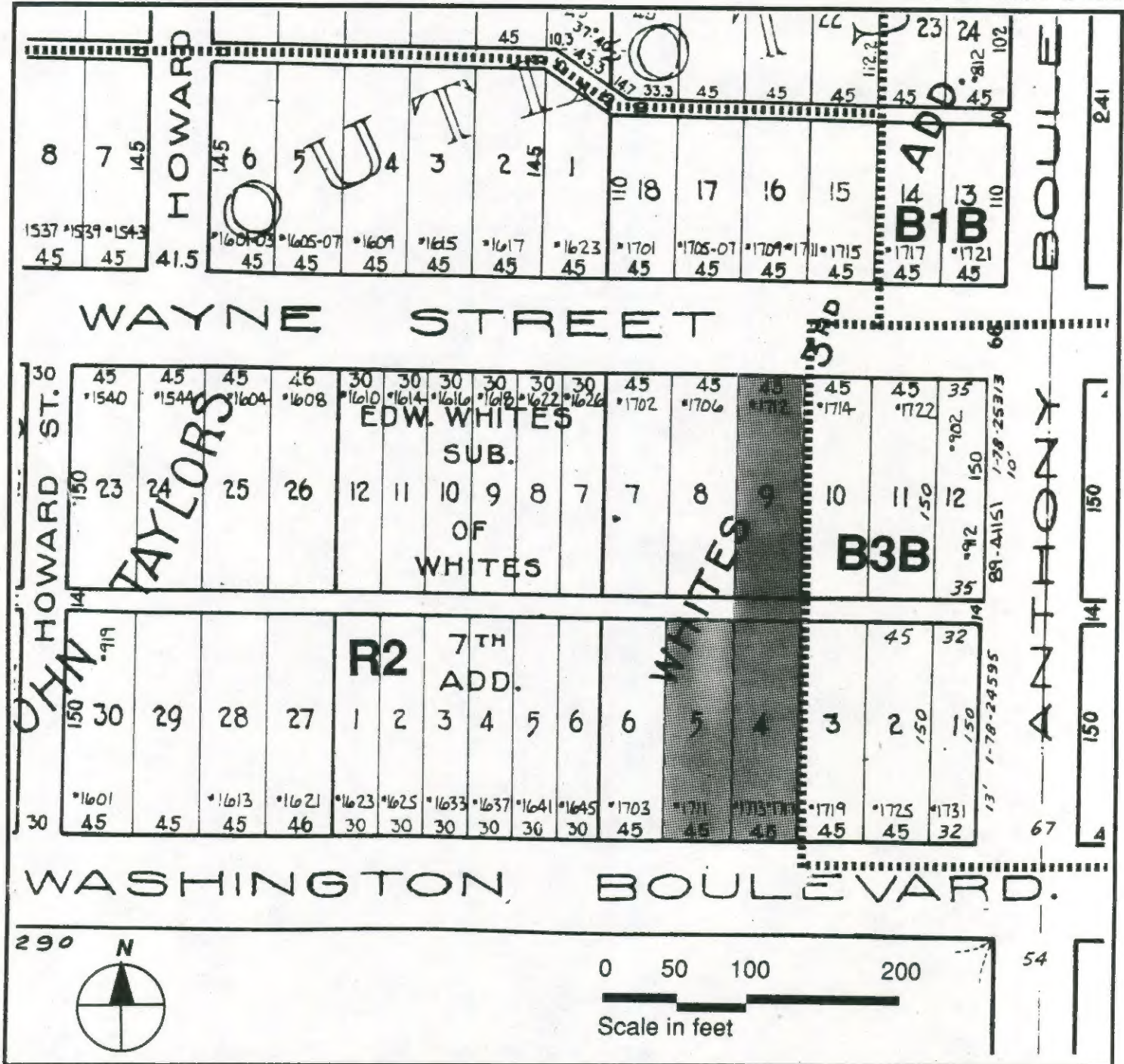
Date 2-5-91

Reference or Case Number

REZONING PETITION

AREA MAP

CASE NO. #453



COUNCILMANIC DISTRICT NO. 1

Map No.: O-6
LW 1-4-91

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	IA	Interchange Access
PUD	Planned Unit Dev.	POD	Professional Office District	MHP	Mobile Home Park